

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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MOBIL CERRO NEGRO, LTD.

Plaintiff,

v.

PDVSA CERRO NEGRO S.A.

Defendant.

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)  
) Civil Action No. 07 Civ. 11590 (DAB)

) **NOTICE OF MOTION TO**  
) **CONFIRM SUPPLEMENTAL**  
) **ORDER OF ATTACHMENT**  
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)

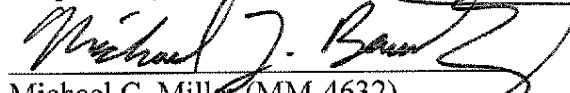
PLEASE TAKE NOTICE that upon Plaintiff Mobil Cerro Negro's ("Mobil CN") Memorandum in Support of Its Motion to Confirm the Supplemental Order of Attachment, and upon all the prior pleadings and proceedings herein, Mobil CN, by its undersigned counsel, moves this Court for an order pursuant to Rule 64 of the Federal Rules of Civil Procedure and section 6211(b) of New York's Civil Practice Law and Rules, confirming the Supplemental Order of Attachment entered by the Court on January 8, 2008, and for such other relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that opposing affidavits and answering memoranda shall be served on counsel for Plaintiff no later than January 24, 2008, and any reply affidavits and reply memoranda shall be served on counsel for Defendant no later than February 4, 2008.

PLEASE TAKE FURTHER NOTICE that a hearing before the Hon. Deborah A. Batts, U.S. District Judge, at the United States Courthouse, Courtroom 2510, 500 Pearl Street, New York, New York 10007, will be held at 2:30 PM on February 13, 2008.

Dated: New York, New York  
January 11, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael C. Miller", is written over a horizontal line.

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FOR THE SOUTHERN DISTRICT OF NEW YORK**

MOBIL CERRO NEGRO, LTD.,

Plaintiff,

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PDVSA CERRO NEGRO S.A.

Defendant.

Civil Action No. 07 Civ. 11590 (DAB)

## **ORDER CONFIRMING ATTACHMENTS**

Plaintiff has moved the Court to confirm an Order of Attachment, entered by this Court on December 27, 2007, and to confirm a Supplemental Order of Attachment, entered by this Court on January 8, 2008, pursuant to Rule 64 of the Federal Rules of Civil Procedure (“FRCP”) and Articles 62 and 75 of New York’s Civil Practice Law and Rules (“CPLR”). Plaintiff has shown that the grounds for attachment are met, that there is a need for continuing the levy, and that it is probable that Mobil CN will succeed on the merits.

Therefore, for these reasons, as supported by the showings made in Plaintiff's Memorandum of Law In Support of Motion to Confirm Order of Attachment, the Declaration of Steven K. Davidson, dated January 2, 2008, and the exhibits thereto, Plaintiff's Memorandum of Law In Support of Motion to Confirm Supplemental Order of Attachment, and upon all prior pleadings and proceedings herein, including the Declaration of Michael J. Baratz, dated December 26, 2007, and filed with this Court on December 27, 2007, it is hereby

ORDERED that Plaintiff's Motion to Confirm Order of Attachment is granted;

IT IS FURTHER ORDERED that the Order of Attachment issued on December 27, 2007 by this Court and the Supplemental Order of Attachment issued on January 8, 2008 by this court, which together secured an amount of \$315,000,000 of the monies, property, and/or interest in property of defendant PDVSA CERRO NEGRO S.A. ("PDVSA CN"), as are on deposit with, or held by, The Bank of New York Mellon Corporation is CONFIRMED and remains in effect until such time as this Court issues another Order releasing the levy;

IT IS FURTHER ORDERED that to the extent the levied funds, monies, property, and/or interests in property have not already been transferred to the Clerk of this Court, the Bank of New York Mellon Corporation shall pay or deliver all such levied funds, monies, property, and/or interests in property of PDVSA CN to the Clerk of this Court within 5 business days for the purpose of satisfying any arbitral award that may be obtained against the defendant.

SO ORDERED.

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Hon. Deborah A. Batts  
United States District Judge

Dated: New York, New York  
February \_\_, 2008